

AMENDED IN ASSEMBLY JUNE 2, 2003
AMENDED IN ASSEMBLY JANUARY 29, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 23

Introduced by Assembly Member Nation

December 2, 2002

An act to add Section 139 to the Health and Safety Code, relating to breast cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 23, as amended, Nation. Breast cancer.

Existing law establishes the Office of Women's Health within the State Department of Health Services. The functions of the office include, among others, to communicate and disseminate information and perform a liaison function within the department and to providers of health, social, educational, and support services to women.

Existing law also provides for various programs related to the prevention and treatment of breast cancer.

This bill would create the Mammography Patient ~~Bill of Rights and Responsibilities~~ *Best Principles*:

~~The bill would require health care providers to accept and support specified, to include prescribed expectations and rights of mammography patients, and would require these patients to accept specified responsibilities.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

~~(a) The Mammography Patient Bill of Rights and Responsibilities, as set forth in this act, has been developed with the expectation that health care providers would support these rights in the interest of delivering effective patient care.~~

~~(b) Health care providers are encouraged to translate and explain the Mammography Patient Bill of Rights and Responsibilities to meet the needs of their specific patient populations and to make the Mammography Patient Bill of Rights and Responsibilities understandable to patients and their families.~~

~~(c) The collaborative nature of health care requires that patients participate in their care. The effectiveness and patient satisfaction with mammograms depends, in part, on the patient fulfilling certain responsibilities.~~

(a) The United States Congress enacted the Mammography Quality Standards Act of 1992 and subsequent legislation to ensure that all women have access to quality mammography for the detection of breast cancer in its earliest, most treatable stages.

(b) It is the policy of the State of California to ensure compliance and enforcement of the Mammography Quality Standards Act of 1992, the Mammography Quality Standards Reauthorization Act of 1998, and the federal Food and Drug Administrations FDA's Mammography Quality Assurance Program, as an avenue to reduce the morbidity and mortality associated with breast cancer.

(c) While advances have been made in the treatment of breast cancer, these advances are enhanced with early detection of breast cancer. Early detection combined with improvements in treatment has led to a 25 percent drop in the rate of death from breast cancer in the state. Early detection is more likely when multiple methods, including mammography, but also self-examination and clinical breast examinations are used.

(d) Health care providers are encouraged to provide the Mammography Patient Best Principles to their patients.

(e) The collaborative nature of health care requires that patients participate in their care.

1 SEC. 2. Section 139 is added to the Health and Safety Code,
2 to read:

3 139. (a) This section shall be known and referred to as the
4 Mammography Patient ~~Bill of Rights and Responsibilities~~ *Best*
5 *Principles*.

6 ~~(b) Health care providers shall accept and support all the~~
7 ~~following rights of a mammography patient in the interest of~~
8 ~~delivering effective patient care:~~

9 ~~(1) A patient has a right to considerate and respectful care in a~~
10 ~~safe environment.~~

11 ~~(2) A patient has a right to be free from harassment and abuse.~~

12 ~~(3) A patient has a right to decide, in consultation with her~~
13 ~~health care provider, whether or not to have a mammogram.~~

14 ~~(4) A patient has a right to have a health care provider explain~~
15 ~~that mammograms are not a treatment, but a diagnostic tool that~~
16 ~~may detect a cancer already developed in most breast tissue.~~

17 ~~(5) A patient has a right to not be denied service or~~
18 ~~discriminated against because there is no referring health care~~
19 ~~provider.~~

20 ~~(6) A patient has a right to be informed of her health care~~
21 ~~provider's charges for mammograms and available payment~~
22 ~~methods.~~

23 ~~(7) A patient has a right to know the identity of physicians,~~
24 ~~nurses, technicians, and other health care providers involved in her~~
25 ~~care, as well as when those involved are students, residents, or~~
26 ~~other trainees.~~

27 ~~(8) A patient has a right to obtain relevant, current, and~~
28 ~~understandable information about mammography from health~~
29 ~~care providers.~~

30 ~~(9) A patient has a right to discuss any radiation concerns with~~
31 ~~health care providers or technicians.~~

32 ~~(10) A patient has a right to be informed that she may have her~~
33 ~~neck and thyroid shielded during a mammogram.~~

34 ~~(11) A patient has a right to be told, upon request, the amount~~
35 ~~of radiation exposure caused by the mammogram.~~

36 ~~(12) A patient has a right to confirm whether the~~
37 ~~mammography exam equipment used is certified by the American~~
38 ~~College of Radiology.~~

39 ~~(13) A patient has a right to confirm when the exam equipment~~
40 ~~used was last calibrated.~~

~~(14) A patient has a right to request and discuss available information related to mammography, the risks involved, and any medically reasonable alternatives to the existing procedures, along with the accompanying risks and benefits.~~

~~(15) A patient has a right to confirm that a certified radiologist read her mammogram.~~

~~(16) A patient has a right to request that another radiologist read her mammogram.~~

~~(17) A patient has a right to receive a written statement about mammography results and any necessary followup from her health care provider who conducted the mammogram within 30 days of the mammogram.~~

~~(18) A patient has a right to discuss the results with her health care provider.~~

~~(19) A patient has a right to privacy. Mammography consultation, procedures, and discussions should be conducted to protect patient privacy.~~

~~(20) A patient has a right to expect that her health care provider will treat all communications and records pertaining to her care confidentially.~~

~~(21) A patient has a right to see and copy her medical records, including mammography results.~~

~~(22) A patient has a right to have her records explained or interpreted as necessary.~~

~~(23) A patient has a right to expect reasonable continuity of care and to have her health care provider inform her of available options when changing health care providers.~~

~~(24) A patient has a right to be informed that she should make her previous mammogram results available to her new health care provider when scheduling an appointment with a new health care provider.~~

~~(25) A patient has a right to expect that her current and previous health care providers will emphasize the confidentiality of her information when releasing it to another party who is entitled to review her records.~~

~~(26) A patient has a right to ask and be told of any business relationship between her health care providers that may influence patient care.~~

~~(27) A patient has a right to borrow, copy, or permanently remove original mammograms.~~

1 ~~(28) A patient has a right to be informed of health care provider~~
2 ~~policies and practices that relate to mammography.~~

3 ~~(29) A patient has a right to be informed of available resources~~
4 ~~for resolving disputes, grievances, and conflicts, including ethics~~
5 ~~committees, patient representatives, or other available~~
6 ~~mechanisms.~~

7 ~~(30) A patient has a right to receive the name and contact~~
8 ~~information for the state and local agencies responsible for~~
9 ~~overseeing public health issues if she wishes to make a complaint.~~

10 ~~(31) A patient has a right to receive educational materials on~~
11 ~~breast cancer risk factors, symptoms, breast self-exams,~~
12 ~~mammography, and recommended timing of mammograms.~~

13 ~~(32) A patient has a right to have these rights visibly posted at~~
14 ~~the facility where she receives her mammogram.~~

15 ~~(33) A patient has a right to have these rights and educational~~
16 ~~materials written in layperson's language.~~

17 ~~(e) A mammography patient shall accept all of the following~~
18 ~~responsibilities in the interest of effective patient care:~~

19 ~~(1) The patient is responsible for providing information about~~
20 ~~past illnesses, hospitalizations, medications, and other~~
21 ~~health-related matters.~~

22 ~~(2) The patient is responsible for requesting additional~~
23 ~~information or clarification about mammograms when she does~~
24 ~~not understand the information or instructions provided.~~

25 ~~(3) The patient is responsible for informing health care~~
26 ~~providers if she anticipates problems with having a mammogram.~~

27 ~~(4) The patient is responsible for being aware that her health~~
28 ~~care provider is required to be reasonably efficient and equitable~~
29 ~~in providing care to other patients and the community.~~

30 ~~(5) The patient is responsible for being considerate of and~~
31 ~~making reasonable accommodations for the needs of the health~~
32 ~~care provider.~~

33 ~~(6) The patient is responsible for providing necessary~~
34 ~~information for insurance claims and for working with the~~
35 ~~hospital, as needed, to make payment arrangements.~~

36 ~~(7) The patient is responsible for recognizing the impact of her~~
37 ~~lifestyle on her medical condition because a patient's health~~
38 ~~depends on more than health care services.~~

~~(8) The patient is responsible for utilizing other diagnostic care, including, but not limited to, self-exams and an annual clinical exam to screen for breast cancer.~~

(b) A patient should expect considerate and respectful care in a safe environment.

(c) A patient should expect privacy in accordance with the federal Health Insurance Portability and Accountability Act of 1996 and applicable state law. Mammography consultation, procedures, and discussions should be conducted to protect patient privacy. A patient has a right to expect that her health care provider will treat all communications and records pertaining to her care confidentially, except as otherwise required or permitted by law.

(d) A patient should expect to have a health care provider explain that mammograms are not a treatment, but a diagnostic tool that may detect cancer already developed in breast tissue. A patient should expect to decide, in consultation with her health care provider, whether to have a mammogram.

(e) A patient may request relevant, current, and understandable information about mammography from her health care provider. A patient may discuss available information related to mammography, the risks involved, and any medically reasonable alternatives to existing procedures, along with the accompanying risks and benefits. A patient may request educational materials on breast cancer risk factors, including, but not limited to, breast self-examinations, mammography, and recommended timing of mammograms.

(f) A patient may request the identity of the health care providers involved in her care. A patient may confirm that a qualified radiologist read her mammogram.

(g) A patient may discuss any radiation concerns with a health care provider or technician.

(h) A patient may examine and obtain a copy of her medical records, including, but not limited to, mammography results, in accordance with state and federal law.

(i) A patient has a right to request the name, and contact information for, the state agencies responsible for overseeing public health issues if she wishes to make a complaint. A patient

- 1 *has a right to be informed of available resources for resolving*
- 2 *disputes, grievances, and conflicts.*

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